THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.17157 of 1998

Dated 20-06-2007

Between:
A.Bheemudu Naik.

..... PETITIONER

AND

The Managing Director, APSRTC, Musheerabad, Hyderabad.

.....RESPONDENT

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.17157 of 1998

O R D E R:

Questioning the action of the second respondent in showing some other person's name in the place of the petitioner for the post of the driver in the list displayed on notice board at Serial No.72 against call letter No.2248, as illegal and arbitrary, the present writ petition is filed by a scheduled tribe candidate who was denied employment as driver in the respondent-Corporation.

Petitioner would contend that he was called for interview on 11-03-1998, that he had attended the interview and that the results were published on 28-05-1998, wherein his call letter No.2248 was shown as having passed in the interview. Petitioner would contend that when he visited the office of the second respondent, the list of the selected candidates was displayed in the notice board, wherein instead of the petitioner's name one Mr.Khan was shown against call letter No.2248. Petitioner states that he made a representation to the second respondent on 01-06-1998 bringing to his notice the mistake committed by the Corporation in showing some others' name in the place of his name and, despite acknowledging receipt of his representation, no action was taken by the second respondent till date.

A counter affidavit is filed on behalf of the respondents, wherein it is stated that the Vice-Chairman and the Managing Director of the respondent-Corporation had accorded sanction to 28 backlog vacancies of scheduled castes, and scheduled tribes, that pursuant to the sanction, requisition was sent to the District

Employment Officer, Mahaboobnagar, and the Sainik Welfare Officer, Mahaboobnagar to sponsor candidates apart from issuing paper notification inviting applications from eligible candidates. Pursuant thereto, a list of 2296 candidates was sponsored by the District Employment Officer, 30 candidates were sponsored by the Sainik Welfare Officer and around 3388 applications were received in response to the newspaper publication. It is stated that in addition thereto the respondent-Corporation had also issued notification inviting applications for appointment to the posts of Driver Grade-II and, as a result, 40,000 applications had been received. As there was no time for manual scrutiny, about 5 persons had been deployed from various depots to feed the applications in the computers and to prepare the data regarding suitable candidates on the basis of the marks obtained in the examination. It is stated that some of the candidates were sponsored by the Employment Exchange and they had also submitted applications in response to the advertisement in the local newspapers and that most of the candidates were sent call letters with two different numbers. It is stated that, in the petitioner's case, though he was sent call letter No.2248, while feeding into the computer, his call letter number was changed to 2239, which happened due to technical problems in the computer. It is stated that the petitioner was called for the driving test conducted on 20-03-1998 with call letter No.2239, and that he had scored 28 marks against the qualifying marks of 40 and, therefore, was not selected to the post of Driver Grade-II. It is stated that as per the selected list displayed in the notice board, call letter No.2248 had been allotted to Sri Mohammed Gaffar Mian, who secured 56 marks in the driving test, and, accordingly, he was selected.

Since the respondents had admitted that a mistake had occurred while feeding the call letters in the computer, this Court considered it appropriate to call for the records to verify whether the averments in the counter affidavit with regards the marks allotted to the petitioner and to Sri Mohammed Gaffar Mian were correct. The records were also made available for perusal of Sri A.K.JayaPrakash Rao, learned counsel for the petitioner.

Sri A.K.JayaPrakash Rao, learned counsel for the petitioner, would fairly submit that the records would, indeed, show that Sri Mohammed Gaffar Mian had secured 56 marks on an average, that the petitioner had secured only 28 marks and that selection of Sri Mohammed Gaffar Mian could not be faulted. Learned counsel would, nonetheless, submit that if the respondent-Corporation had informed the petitioner of all these details in reply to his representation, he would not have been forced to invoke the jurisdiction of this Court incurring expenditure. Learned counsel would submit that, for no fault of his, the petitioner was needlessly forced to approach this Court.

The grievance of the petitioner, put across forcefully by Sri A.K.JayaPrakash Rao, learned counsel for the petitioner, cannot be said to be without basis. The petitioner's apprehension could have been assuaged merely by giving a reply to his representation. Having committed a mistake, the least that the respondent-Corporation should have done was to give a detailed reply to the petitioner's representation, inform him of the circumstances under which the mistake had occurred and to allay his apprehension that the selection of candidates for appointment to the post of Driver Grade-II was wrongly displayed. The indifference of the authorities concerned to

the petitioner's plight necessitates condemnation. That, however, would not entitle the petitioner to be appointed as Driver Grade-II since, admittedly, he did not even secure the minimum qualifying marks of 40 whereas Sri Mohammed Gaffar Mian, the selected candidate, had secured 56 marks, which is far higher than the minimum prescribed cut off marks of 40.

The Writ Petition fails and is accordingly dismissed. No order as to costs.

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20-06-2007

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